

REVENUE DEPARTMENT

The 23rd August, 1968

No 4434-ARIV-68 1867.- In pursuance of the provisions of clause (iv) of rule 2 of the Punjab Security of Land Tenures Rules, 1956, the Governor of Haryana is pleased to appoint Shri Balmukand Sharma, Assistant Settlement Commissioner-cum-Under-Secretary to Government Haryana, Rehabilitation Department, with headquarters at Chandigarh, as Special Collector for the territories of the State of Haryana, which immediately before the 1st November, 1956 were comprised in the State of Punjab to perform the functions assigned to the Special Collector, under the said rules.

2. This supersedes all previous notifications issued on the subject.

No. 4434-ARIV-68/1870.- In pursuance of the provisions of clause (bb) of section 2 of the Pepsu Tenancy and Agricultural Lands Act, 1955, the Governor of Haryana is pleased to specially empower Shri Balmukand Sharma, Assistant Settlement Commissioner-cum-Under Secretary to Government, Haryana, Rehabilitation Department, with headquarters at Chandigarh, to perform all the functions assigned to the Collector under the said Act in respect of the territories of the State of Haryana which immediately before the 1st November, 1956, were comprised in the State of Patiala and East Punjab States Union.

2. This supersedes all previous notifications issued on the subject.

No. 4434-ARIV-68/1873.- In supersession of Punjab Government Notification No. 432-AR- (IV)-65, dated the 7th January, 1967 and in pursuance of the provisions of clause (III-A) of Rule 2 of the Punjab Security of Land Tenures Rules, 1956, the Governor of Haryana is pleased to empower Shri Balmukand Sharma, Assistant Settlement Commissioner-cum-Under Secretary to Government, Haryana, Rehabilitation Department as Special Collector to be the Collector for all the territories of the State of Haryana, which immediately before the 1st November, 1956, were comprised in the State of Punjab to perform the functions assigned to the Collector under the said rules.

B. S. GREWAL, Secy.

AGRICULTURE DEPARTMENT

The 26th August, 1968

visional and purely stop-gap arrangement with effect from the 1st May, 1963 (forenoon).

B. S. GREWAL,

No. 6924-Agr-I (I)-68 21157.-The Governor of Haryana is pleased to promote Shri Jai Lal Malik, Seed Development Officer, Rohtak, as District Agricultural Officer, Sirsa, in H.A.S. Class II, in pro-

Financial Commissioner and Secretary to Government, Haryana, Revenue and Agriculture Department.

ANIMAL HUSBANDRY DEPARTMENT

(DAIRYING)

The 31st July, 1968

No. 5035-FAH(I)-68/19009.-Whereas it appears to the Governor of Haryana that land is required to be taken by the Government, at the public expense, for a public purpose, namely, for the Milk Plant (Condensory) at Gohana, District Rohtak, it is hereby declared that the land described in the specifications below is required for the above purpose.

This declaration is made under the provision of section 6 of the Land Acquisition Act, 1894, to all whom it may concern and under the provisions of section 7 of the said Act, the Collector of district Rohtak is hereby directed to take order for the acquisition of the said land.

Plans of the land may be inspected in the office of the Collector of Rohtak District.

In view of the urgency of the acquisition the Government of Haryana in exercise of the powers under section 17(1) of the said Act, is further pleased to direct that the aforesaid Collector of Rohtak shall proceed to take possession of the waste land herein specified.

SPECIFICATION

District	Tehsil	Locality village in revenue estate	Areas with description Khasra Nos.		
			Kanal	Marla	Nos.
Rohtak	Gohana	Gohana	9	16	270/14
			6	0	270/16/2
			8	0	270/17
			8	0	270/24

District	Tehsil	Locality village in revenue e tate	Areas with description Khasra No.		
			Kanals	Marlas	Nos.
			8	0	270-25
			8	0	270/6
			8	0	270-15
			2	0	270-16-1
			7	12	271-10-2
			4	0	271-11-1
			4	0	271-11/2
			7	16	271-20/1
			8	0	271-21
			8	0	271/22
			8	4	271-20-2
			6	9	271-2/2
			2	0	271-9-1
			2	1	271-9/3
			8	15	271-10-1
			3	15	271-9-2
			8	16	271-12-1
			4	3	271-12-2
			7	18	271/19
			0	14	271/26
			123		

(Consist of 123 Kanals only)

ISHWAR CHANDRA, Secy.

PUBLIC WORKS DEPARTMENT
PUBLIC HEALTH BRANCH

The 27th August, 1968

No. 1024-PWIII(2)-6-17909, dated the 30th July 1968 of the Haryana Government P. W. D., Public Health Branch.

No. 4877-PWIII(2)-58 20884- The Governor of Haryana is pleased to cancel the notification

P. N. BHALLA, Secy.

LABOUR DEPARTMENT

The 22nd August, 1968

No. 7922-III(2)-68-21286- In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Chandigarh, in respect of the dispute between the workmen and management of M/s. Defton Cable Company, Faridabad.

BEFORE SHRI K. L. GOSAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL HARYANA, CHANDIGARH

Reference No. 33 of 1968

between
THE WORKMEN AND THE MANAGEMENT OF M/S DEFTON CABLE COMPANY,
FARIDABAD

Present:—

Shri R. C. Sharma, for the management.

AWARD

The Government of Haryana having come to the conclusion that an industrial dispute existed between the workmen and the management of M/s Delton Cable Company, Faridabad referred the said dispute to this Tribunal under clause (d) of sub-section 1 of section 10 of the Industrial Disputes Act, 1947, vide their notification No. ID FD 186D/12473, dated 15th May, 1968. The item of dispute as mentioned in the said notification is as follows :—

“Whether the workers are entitled for enhanced rates of bonus for the year 1966. If so, with what details?”

On receipt of the reference usual notices were issued to the parties and in response to the same the workmen filed their statement of claims and the management filed their written statement to the same. The pleadings of the parties give rise to four issues which are as under :—

1. Whether the dispute in question is an industrial dispute?
2. Whether the General Labour Union is not entitled to represent the workmen of this factory and whether the reference at their instance is illegal?
3. Whether any agreement was entered into between the parties as alleged in para 3 of the preliminary objections in the written statement of the management? If so, what were the terms of the same and how does it affect?
4. Whether the workmen are entitled to enhanced rate of bonus for the year 1966. If so, with what details?

The parties were directed to produce their entire evidence in respective of the said issues on the 17th of July, 1968. On the last mentioned date a request was made on behalf of the workmen for adjournment of the case to another date and the case was accordingly adjourned to the 8th of August, 1968. On the said date namely 8th August, 1968 no one appeared for the workmen and *ex parte* proceedings were taken against them. The management produced their *ex parte* evidence which consists of only one witness namely R.W. 1 Shri R. S. Sharma, Personal Officer of the concern in question. Issue No. 1 relates to the point whether the dispute in question was an industrial dispute. The onus of this issue was on the workmen and they have led no evidence in support of the same. The workmen have also led no evidence on issue No. 4 which relates to the merits of the case. The demand of the workmen fails on merits because of lack of evidence. In these circumstances it is not necessary to decide the preliminary issues. The claim of the workmen is accordingly dismissed.

No order as to costs.

Dated the 19th August, 1968.

K. L. GOSAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Chandigarh.

No. 1034, dated Chandigarh the 19th August, 1968.

The award be submitted to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required by section 15 of the Industrial Disputes Act, 1947.

K. L. GOSAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Chandigarh.

No. 7920-3Lab-68/21390.— In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Government of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Chandigarh, in respect of the dispute between the workmen and management of M/s Alankar Prints, Nehru Park, Bahadurgarh (District Rohtak):—

BEFORE SHRI K. L. GOSAIN PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA,
CHANDIGARH

REFERENCE NO. 32 OF 1968

between

THE WORKMEN AND THE MANAGEMENT OF M/S ALANKAR PRINTS, NEHRU PARK,
BAHADURGARH (DISTRICT ROHTAK)

Present :

Shri Shiv Kumar Seth, for the management.

AWARD

An industrial dispute having come into existence between the workmen and the management of M/s Alankar Prints, Nehru Park, Bahadurgarh over the following two matters, the same was referred for adjudication to this Tribunal under clause (d) of sub-section 1 of section 10 of the Industrial Disputes Act, 1947,—*vide* Haryana Government notification No. 111/RK/71A-68/11096, dated 26th April, 1968:—

1. Whether the workmen should be granted bonus for the year 1965-66 and 1966-67. If so, what should be the quantum of bonus and terms and conditions of its payment?
2. Whether the attendance cards should be issued to the workers. If so, with what details?

Usual notices were issued to the parties and in response to the same the workmen filed their statement of claims but before the management could file their written statement the dispute was amicably settled between the parties. On the date of hearing, i.e., the 7th of August, 1968 the workmen did not appear but Mr. S. K. Sethi, representative of the management appeared before me and made a statement that the case had been compromised between the parties on the terms and conditions contained in the written memorandum of settlement Ex. A, which is duly signed by representatives of both the parties. In terms of the said settlement I make my award as follows:—

Item No. 1.—The union of the workmen having withdrawn the demand for payment of bonus and the concern in question being not liable to pay the bonus under the Payment of Bonus Act, 1965, the demand covered by this item fails and is dismissed.

Item No. 2.—The management have agreed to issue attendance cards to the workers immediately and also to maintain the said system as required under the Statutory rules. The demand covered by this item is, therefore, allowed. The management is directed to issue attendance cards as per para 2 of the aforesaid memorandum of settlement.

No order as to costs.

Dated 19th August 1968.

K. L. GOSAIN,

Presiding Officer,

Industrial Tribunal, Haryana, Chandigarh.

No. 1002, dated Chandigarh, the 19th August, 1968

The award be submitted to the Secretary to Government, Haryana, Labour and Employment Department, Chandigarh, as required by section 15 of the Industrial Disputes Act, 1947.

K. L. GOSAIN,

Presiding Officer,

Industrial Tribunal, Haryana, Chandigarh.

No. 7919-3-Lab-68/21391.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Chandigarh in respect of the dispute between the workmen and management of M/s Oriental Engineering Works, Private Limited, Yamuna Nagar.

BEFORE SHRI K. L. GOSAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, CHANDIGARH.

Reference No. 87 of 1967

between

THE WORKMEN AND THE MANAGEMENT OF M/S ORIENTAL ENGINEERING WORKS, PRIVATE LIMITED, YAMUNANAGAR

Present :—

Shri D. C. Chadha, for the management.

Shri Raghubir Singh, for the workmen.

A W A R D

An industrial dispute having come into existence between the workmen and the management of M/s Oriental Engineering Works, Private Limited, Yamunanagar, the same was referred for adjudication to this Tribunal

under clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, —vide Haryana Government notification No. 426-SF-III-Lab-67/28048, dated 18th September, 1967. The various items of dispute as mentioned in the said notification are as below :—

- (1) Whether the termination of services of Sarvshri Harbans Singh and Sohan Lal was justified and in order ? If not, to what relief are they entitled ?
- (2) (a) Whether *ad hoc* increase should be given to the workers ? If so ; with what details and from which date ?
- (b) Whether grade and scale of workers should be revised ? If so ; with what details and from which date ?
- (3) Whether the workmen should be granted dearness allowance at Rs 20 per month ? If so ; from which date ?

Usual notices were issued to the parties and in response to the same the workmen filed their statement of claims and the management filed their written statement to the same. The management raised a preliminary objection that the dispute was not an industrial dispute and the reference was, therefore, invalid. I framed a preliminary issue on the point and after recording evidence of both the parties and after hearing arguments of their representatives I decided the said preliminary objection against the management by my order, dated 18th March, 1968. On merits three issues only arose which are precisely the same as the three items of dispute. Parties were directed to lead their evidence on the aforesaid issues and after the conclusion of their evidence, their representatives also addressed their arguments to me. It may be stated here that on 26th of June, 1968, Shri Raghbir Singh, the representative of the workmen, made a statement before me that the matters covered by item No. 2 (b) and 3 of the dispute mentioned in the reference were under the consideration of the Wage Board constituted by the Government of India, in respect of the Engineering Industry and therefore, the workmen did not wish to get these two items adjudicated in this reference. He further stated that these two items were withdrawn by him on behalf of the workmen. The workmen have led no evidence in respect of the said two issues and the demands covered by the said two items are, therefore, dismissed, both as having been withdrawn and as having not been substantiated in the present reference. Parties have mutually settled the dispute covered by item No. 2 (a) and that regarding Sohan Lal in item No. 1 of the dispute. I have recorded the statements of the representatives of both the parties with regard to the said settlement and in terms of the same I make my award on the said items as under :—

- (1) The management shall give to all their workmen in all the four factories irrespective of the categories (un-skilled, semi-skilled and skilled) with effect from 1st April, 1968, an *ad hoc* increase of wages as per Wage Board recommendations for interim relief and as modified by the Tripartite Committee constituted by the Haryana Government. They will also give an *ad hoc* increase of wages to all the learners with more than one year service as on 31st March, 1968, at the rate of Rs 5 per month with effect from the same date, i.e. 1st April, 1968.

So far as the workmen are concerned the *ad hoc* increase will be payable only to those who have already not been given similar increase from August, 1966 onward. Learners having more than one year service will, however, get an increase of Rs 5 per month irrespective of the fact whether they have already been given any increase from August, 1966, onwards or not.

- (2) The arrears of amount of *ad hoc* increase as above shall be paid to the workmen as also to the learners within two months from the date of the publication of this award in the official gazette ;
- (3) The management shall re-employ Sohan Lal within one month from the date of the publication of this award and give credit to him of his previous service in the concern in question both for the purposes of seniority and for the award of retrenchment compensation, etc., if and when such an occasion arises.

With regard to the case of Shri Harbans Singh mentioned in item No. 1 of the dispute my award is as follows :—

It is admitted that Harbans Singh was employed on 1st December, 1961, as a Pattern Maker on the terms and conditions contained in R-1. It appears that his work was not found to be satisfactory and the management, therefore, employed another Pattern Maker Bhagat Singh and for sometimes kept Harbans Singh also for some other odd job in the factory. On 13th October, 1966, they served a registered notice on him informing him that he was being retrenched for lack of work and he was actually relieved on 15th October, 1966. In the notice the management said, "in terms of your appointment letter, dated 1st December, 1961, please take notice that your services are hereby terminated with immediate effect. You can have your dues including the retrenchment benefit etc., from the office. Reason : Lack of work." The case of the workmen concerned is that his retrenchment was *mala fide* and was made simply because he had been elected as the President of the Union of the workmen. At the stage of arguments it was also contended on behalf of the workmen that the notice for retrenchment was illegal because it had not complied with the provisions of Section 25-F of the Industrial Disputes Act, 1947. This plea had, however, never been taken in the statement of claims or at any stage previous to the arguments. The plea itself is highly technical. All that has been contended before me in support of this plea is that the management did not specifically say in the notice that the workman was entitled to one month's pay in lieu of notice and was further entitled to wages at the rate of 15 days' pay for each year of his service as a retrenchment compensation. The notice expressly stated that he could take from the office all his dues including the retrenchment benefits and, although the notice is clumsily worded, I am not prepared to hold that it did not comply with the provisions of Section 25-F of the Industrial Disputes Act, 1947. Moreover, this plea had never been expressly taken and could not be allowed to be raised for the first time at the stage of arguments. It is important to note that on January 6, 1967, the management wrote a registered letter to the workman concerned which reads as under :—

"This is to inform you that a vacancy for Pattern Maker-cum-Carpenter now exists in our factory. Salary will be Rs 180 to Rs 200 per month. You are invited to put in your application on or before the 16th January, 1967, if you are interested for the same".

This letter was admittedly received by Harbans Singh who stated in his reply Ex. R. 8 that he was not prepared to take service because he had already given a demand notice and his matter was pending before the Conciliation Officer. Excepting the statement of Harbans Singh himself there is no evidence on the record to show that the action of the management for retrenching Harbans Singh was *malafied* and was prompted by the fact that he had been elected as the President of the Union. After giving my careful consideration to the matter and the statement of Harbans Singh I am not prepared to believe him on this point. Moreover, the letter of the management, dated 6th January, 1967, referred to above, negatives the suggestion that the management wanted to get rid of Harbans Singh because he was the President of the Union. Harbans Singh himself admits that the Union was in existence previously also and there is nothing to show that the management took any action against any other office-bearer of the said Union. In the result the demand *qua* Harbans Singh is not substantiated and is dismissed.

No order as to costs.

CHANDIGARH :

K. L. GOSAIN,

Presiding Officer,

Dated 19th August, 1968.

Industrial Tribunal, Haryana, Chandigarh.

No. 1003, dated, Chandigarh, the 19th August, 1968.

The award be submitted to the Secretary to Government, Haryana, Labour and Employment Department, Chandigarh, as required by section 15 of the Industrial Disputes Act, 1947.

K. L. GOSAIN,
Presiding Officer,

Industrial Tribunal, Haryana, Chandigarh.

The 23rd August, 1968

No. 7921-3Lab-68/21388.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Chandigarh, in respect of the dispute between the workmen and management of M's Technological Institute of Textiles, Bhiwani :

BEFORE SHRI K. L. GOSAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, CHANDIGARH

I

Reference No. 10 of 1968

between

The Workmen and the Management of M's Technological Institute of Textiles, Bhiwani.

Present—Shri N.M. Jain, for the management.

Shri Sagar Ram Gupta, and Shri Makhan Singh for the workmen.

AWARD

Workmen employed in the Technological Institute of Textiles, Bhiwani, served a demand notice on the management on the 30th October, 1961, *inter alia* making a demand that there should be 9 national and festival holidays in a year and that the employees should be paid at their average pay for each of them and that the said payment should be in addition to the usual earnings of the employees during the month concerned. The above matter along with certain others was referred for adjudication to the Industrial Tribunal, Punjab, under clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947. The Tribunal called upon the workmen to file a detailed statement of claims which *qua* the above matter reads as under :—

"Item of dispute No. 3.— Whether the workers are entitled to payment for National and Festival Holidays on the basis of the average earning of the month in which the holiday fall ? If so, with what details ?

At present six Festival and National Holidays in all are being granted by the respondent mills to its workmen. Practically no wages are being paid to the workmen for these holidays due to defective accounting system prevalent in the Mills. What actually is done, is this that the wages due to the workmen every month are calculated on the actual working days of the month, i.e., if in the month of 30 days there are 4 Sundays the rate of wages payable is put in equal to 26 days wages and if the worker has not worked for two days in the month his wages payable

2 < rate of wage.

are decreased by ————— If in a month of 30 days a festival holiday also falls besides 4 Sundays then that

26

month is counted consisting of 25 working days and the wages payable are calculated as above. This in fact means that the workers particularly the piece-rated are not paid any wages for the National and Festival holidays. It is, therefore, urged that the management be directed to pay to its workmen for National and Festival Holidays on the basis of their average earnings of the month in which the holiday falls."

The management filed their written statement which in respect of the above matter reads as under :—

"3. Third term of reference.—The third term of reference is whether the workmen are entitled to the payment for National and Festival Holidays on the basis of their average earning of the month in which holidays fall. The demand made by the Union is not clear and a similar demand made in the past for piece-rate workers was rejected. As far as time-rated workers are concerned they are paid on monthly basis and there can be no question of any additional payment for National and Festival holidays. There is, therefore, no justification for the present demand."

In the final award made by the Industrial Tribunal in the above mentioned reference, the management was directed to make full payment to all the monthly rated and piece rated workmen in respect of the national and festival holidays. Relevant portion of that award reads as under:-

Item No. 3 of the Reference

"The case of the management is that they are granting 6 National and Festival Holidays to every workmen and no question of any separate payment for the said days arises in view of the fact that the monthly rated workmen are already being paid for the entire month and the piece rated workmen are only paid on the basis of work which they do. The case of the workmen on the other hand is that by the method of calculation which the Mills adopts neither the monthly rated workmen nor the piece rated workmen get any advantage of the payment for the National and Festival holidays. Shri Nathu Mal Jain in his evidence as R.W. 4 stated on 13th August, 1962 that every piece rated workman was allowed dearness allowance for the National and Festival Holidays and this evidently means that the basic wage is not allowed to him for these holidays. It is difficult to accept the contention of the management that while fixing the wages of the piece rated workmen it was taken into consideration by them that there would be 6 National or Festival holidays. These holidays were allowed by means of an award published on 16th January, 1959 and it is not shown that there has been any increase in the wages of the piece rated workmen after the said award. It is not denied that the method of calculation of wages of the monthly rated workmen is this that the wages due to the workmen every month are calculated on the actual working days of the month and if a workmen is absent on a particular day the salary that is deducted is calculated on a formula which deprives the workmen of the payment of National and Festival holidays.

It is alleged by the workmen that in a month of 30 days if there are 4 Sundays the rate of wages payable is equal to 26 days wages and if any worker has not worked for two days in a month his wages are deducted on a formula which is $2 \times \text{rate of wages}/26$. If in a month of 30 days a festival holiday also falls besides four sundays that month is calculated as consisting of 25 working days and if a workman is absent for 2 days his wages are deducted at $2 \times \text{rate of wages}/25$. The workmen, therefore, contend that the management is not paying any wages for the Festival holidays even to the monthly rated workmen. It is not denied by the management that the aforesaid system of calculation is adopted by them. In the award given by this Tribunal in Reference No. 31 of 1957 published in Punjab Government Gazette, dated 16th January, 1959 it was provided that the management shall grant Festival and National holidays to their workmen as paid holidays. The method of calculation which is being adopted by the management shows that they are not making full payment for the National and Festival holidays even to the monthly rated workmen, and it is admitted by Shri Nathu Mal Jain as R.W. 4 that they are not paying any basic wage to the piece rated workmen in respect of National and Festival holidays. I, therefore, direct the management to make full payment to all the workmen whether monthly rated or piece rated in respect of these holidays."

Dissatisfied with the award of the Tribunal the management went in special appeal to the Supreme Court, *vide* Civil Appeal No. 249 of 1964. The said appeal was dismissed by the Supreme Court on March 19, 1965. With regard to item now in question their Lordships of the Supreme Court observed as follows :-

"As regards item (3) of the reference, the Tribunal has found that the method of calculation of wages adopted by the management shows that it was not making full payment for the national and festival holidays either to the piece rated workmen or to the monthly rated workmen. The Tribunal, therefore, ordered that the management should make full payment to all the workmen, whether monthly rated or piece rated, with regard to national and festival holidays."

It appears that subsequent to the award of the Tribunal and the dismissal of appeal by the Supreme Court against the said award the workmen filed applications for computation of the benefit of wages of some holidays. The Labour Court seems to have felt some doubt with regard to the meanings which should be assigned to the words 'full payment' in the award of the Tribunal. The said matter having been brought to the notice of the Government the present reference has been made to this Tribunal under Section 36-A of the Industrial Disputes Act, 1947 by means of the Government Notification No. 7-3Lab68/SF/760, dated 11th January, 1968. The exact point for adjudication which is mentioned in the said reference is in the following terms :-

"Whether the term 'full payment' admissible to the workmen for National and Festival holidays includes average wages and dearness allowance or not."

On receipt of the reference usual notices were issued to both the parties who have represented the various aspects of the case and whose representatives have addressed elaborate arguments to me. After giving my careful consideration to the matter I am definitely of the opinion that the words 'full payment' in the case of a monthly rated workmen mean the payment on the basis of the average wage which the workman is entitled to. If a month consists of 30 days and there is one National and Festival holidays in that month, the average wage per day would be the monthly salary of the workman divided by 30. If the month consists of 31 days, it would be the monthly salary of the workman divided by 31. The figure thus arrived will be payable in respect of the National & Festival holiday. In the case of a piece rated workman, full payment would mean the total earnings of the piece rated workman in a particular month divided by the number of days the said piece rated workman has actually worked to earn those wages. If a piece rated workman has worked in a month for 30 days and has earned Rs 150 in those 30 days, his average earnings amount to Rs 5 per day and he is entitled to Rs 5 for a National and Festival Holiday. The system which the management is at present adopting for deduction of wages for any particular day is that they disregard the weekly rest days and holidays and if a month consists of 30 days and there are four such weekly rests they regard the month as being of 26 days. While deducting the wages they take the wages paid in such a month as having been paid for 26 days and, therefore, the deduction is slightly more than what it would have been if they had treated the month not of 26 days but of 30 or 31 days as it would be. In the previous case the Industrial Tribunal particularly disapproved the said system and when it said that full payment should be made, it made it clear that the above system should not be adopted for finding out the quantum of payment. Their Lordships of the Supreme Court approved the award of the Industrial Tribunal and in their judgement their Lordships made a specific reference to the wrong system of accounting adopted by the Mill. In my opinion there is no real ambiguity in the award of the Industrial Tribunal because while dealing with the matter it had expressly said that the method of calculations adopted by the mill was erroneous, and had made it clear that while determining the payment to be made the said system should not be applied. In any case I now make it clear that the words "full payment" mean what I have said above.

I may mention there that a preliminary objection was raised before me by the management that the previous award of the Industrial Tribunal having been upheld by the Supreme Court, the present reference could only be made to the said court and not to this tribunal. This objection has absolutely no force because an ambiguity in the award

of this tribunal only is sought to be clarified. The fact that the said award was upheld by their Lordships of the Supreme Court does not make it necessary for the Government to have the ambiguity cleared by their Lordships of the Supreme Court. Admittedly there is no ambiguity in the judgement of the Supreme Court and admittedly no reference can possibly be made under Section 36-A to the said court. The preliminary objection has, therefore no force. I may also mention that during the course of their arguments the management drew my attention to the provisions of sub-section 2 of section 9 of the Payment of Wages Act, 1936 and urged that the system of calculation of wages adopted by them was in accordance with the said sub-section. After giving my careful consideration to the matter I am definitely of the opinion that the said sub-section does not justify the system which the management is adopting for deduction of wages. The words 'total period' during which by the terms of his employment he was required to work can in my opinion be interpreted only to mean the total days of the month, and not the days after deducting the weekly rest days or any national or festival holiday. Moreover this plea is no longer open to the management in the present case as in the previous award it has already been decided that the method of calculation of wages adopted by the management is erroneous and that part of the award has already been upheld by their Lordships of the Supreme Court.

No order as to costs.

Dated 19th August, 1968.

K.L. GOSAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Chandigarh.

No. 1005, dated the 19th August, 1968

The award be submitted to the Secretary to Government, Haryana, Chandigarh, Labour and Employment Department, as required by Section 15 of the Industrial Disputes Act, 1947.

K.L. GOSAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Chandigarh.

The 26th August, 1968

No. 7506-3Lab-68/21490.—In pursuance of rule 8 of the Punjab Welfare Officers, Recruitment and Conditions of Service Rules, 1952 published with Punjab Notification No. GSR-35-CA 63/48 S/49-50/65, dated the 13th January, 1965, the Governor of Haryana is pleased to allow the Technological Institute

of Textiles, Bhiwani, to appoint Shri Munshi Ram Vidya Vachaspati, an Assistant in their Labour Welfare Department as Assistant Welfare Officer in relaxation of the provisions of rule 4 (a) & (b) of the said rules subject to the condition that another fully qualified Officer is employed by them as Chief Welfare Officer in their factory.

The 27th July, 1968

No. 6223-2Lab-68/18734.—In supersession of Government notification No. 3132-2Lab-68/9152, dated 18th April, 1968, and in exercise of the powers conferred by clause (a) of sub-section (1) of section 5 of the minimum Wages Act, 1948 (Central Act, XI of 1948) the Governor of Haryana is pleased to extend the period of the Advisory Committee constituted to hold enquiries and advise the Government for fixing minimum rates of wages in respect of employment in the Rubber Industry,—rule notification No. 638-2Lab-68, dated 16th February, 1968, by two months more, i.e., up to 15th September, 1968.

The 28th August, 1968

No. 7934-3Lab-68/21732.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workmen and management of M/s Municipal Committee, Chhachrauli :—

BEFORE SHRI P. N. THUKRAL, PRESIDING OFFICER, LABOUR COURT,
FARIDABAD

Reference No. 101 of 67

Between

Shri Ram Sarup and others workman and the management of M/s Municipal Committee, Chhachrauli.

Present.—Shri Madhu Sudan Saran Cowshish, for the applicants.

Shri R.L. Gupta, for the management.

AWARD

There was a dispute between the sweepers employed by the Municipal Committee, Chhachrauli with regard to the conditions of their services as a result of which the sweepers struck work. The Governor of Haryana in exercise of the powers conferred by

clause (c) of sub-section (1) of section 10 read with proviso to that sub-section of the Industrial Disputes Act, 1947, referred the following dispute to this Court for adjudication.—*vide* GOVERNMENT GAZETTE Notification No. 509-SFIII-Lab-67, dated 8th November, 1967 :—

Whether the action of management in not providing work, terminating the services of the following workers is justified and in order ? If not, to what relief they are entitled to ?

(1) Smt. Nihal Devi, (2) Sh. Ram Sarup, (3) Sh. Muni Lal, (4) Ram Rakha, (5) Atma Ram, (6) Sh. Kulwant Rai, (7) Shiama, (8) Smt. Rami Devi, (9) Smt. Shani Devi, (10) Sh. Mam Raj, (11) Sh. Kharati Lal, (12) Somi Alias Dhola.

On receipt of the reference usual notices were issued to the parties as a result of which the workmen filed a statement of claim and the management filed their written statement.

It is not necessary to deal with the merits of the case because the management have taken back all the claimants into their service. The question as to whether the claimants were justified in proceeding on strike has not been referred to this Court for adjudication and therefore the question as to whether they are entitled to claim the wages for the period they have remained on strike cannot be decided in these proceedings. I give my award accordingly. No order as to cost.

P. N. THUKRAL,

Dated 8th August, 1968.

Presiding Officer,
Labour Court, Faridabad.

No. 1474, dated 19th August, 1968

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

P. N. THUKRAL,

Dated 8th August, 1968.

Presiding Officer,
Labour Court, Faridabad.

No. 7932-3Lab-68 21734.—In pursuance of the provisions of section 17 of the Industrial Disputes Act 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workmen and management of M/s Electronics Ltd., Faridabad.

BEFORE SHRI P. N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, FARIDABAD

REFERENCE No. 116 OF 1967

Between

SHRI MALE KHAN WORKMAN AND THE MANAGEMENT OF M S ELECTRONICS LTD., FARIDABAD

Present.—Shri R. N. Roy, for the workman.

Shri D. C. Bhardwaj, for the management.

AWARD

Shri Male Khan was in the service of M/s Electronics Ltd., Faridabad, as a Fitter in Research and Development Section. This section was abolished and the applicant became surplus. The retrenchment compensation due to him was paid and his services were terminated. He felt aggrieved by reason of the termination of his services and this gave rise to an industrial dispute. The President of India in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 read with proviso to that sub-section of the Industrial Disputes Act, 1947, referred the following dispute to this Court for adjudication.—*vide* GOVERNMENT GAZETTE notification No. 1D/FRD/238-A, dated 8th December, 1967.

Whether the retrenchment of Shri Male Khan was justified and in order ? If not to what relief is he entitled ?

On receipt of the reference usual notices were issued to the parties in response to which the workman filed his statement of claim and the management filed their written statement. It is not necessary to decide the case on merit. The management have agreed to reinstate the claimant and appoint him as a Fitter with continuity of his service in any section as considered fit by the management. The claimant has agreed not to claim back wages for the period he did not work and he has further agreed that the amount of retrenchment compensation received by him—*vide* voucher Ex. M. 1 would be deducted from his future salary at the rate of 25 per cent of his earned salary each month. I give my award accordingly. No order as to cost.

P. N. THUKRAL,

Dated 7th August, 1968.

Presiding Officer,
Labour Court, Faridabad

No. 1471, dated 19th August, 1968

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of Industrial Disputes Act, 1947.

Dated 7th August, 1968.

P. N. THUKRAL,

Presiding Officer,
Labour Court, Faridabad.

No. 7931-3Lab-68/21737.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workmen and management of M/s Rattan Chand-Harjas Rai (Plastic) Private Limited, Faridabad:

BEFORE SHRI P. N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, FARIDABAD

Reference No. 36 of 1967

Between

MRS. H. K. OBEROI WORKMAN AND THE MANAGEMENT OF M/S RATTAN CHAND-HARJAS RAI (PLASTIC) PRIVATE LIMITED, FARIDABAD

Present:-

Shri S. S. Upal, for the claimant.

Shri D. D. Verma, for the management.

AWARD

Mrs. H. K. Oberoi was in the service of M/s. Rattan Chand-Harjas Rai (Plastic) Private Limited, Faridabad, as a receptionist and telephone operator. Her services were dispensed with and this gave rise to an industrial dispute. The Governor of Haryana in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 read with proviso to that sub-section of the Industrial Disputes Act, 1947, referred the following dispute to this Court for adjudication—*vide* Government Gazette Notification No. 175-SFIII-Lab-67, dated the 3rd April, 1967.

Whether the dismissal of Mrs. H. K. Oberoi was justified and in order? If not, to what relief/exact compensation is she entitled?

On receipt of the reference usual notices were issued to the parties in response to which the claimant Mrs. H. K. Oberoi filed her statement of claim and the management filed their written statement. It is not necessary to deal with the case on merits because a compromise has been affected between the parties. The management have withdrawn the order of dismissal against Mrs. H. K. Oberoi and she has resigned her post of her own free will. The management have no complaint against the conduct or behaviour of M/s. H. K. Oberoi and have withdrawn all the charges made against her. In addition the management have paid a sum of Rs 650 to Mrs. H. K. Oberoi in full and final settlement and she has now no claim against the management. I give my award accordingly. No order as to cost.

P. N. THUKRAL,

Dated 8th August, 1968.

Presiding Officer,
Labour Court, Faridabad.

No. 1472, dated 9th August, 1968

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

P. N. THUKRAL,

Dated 8th August, 1968.

Presiding Officer,
Labour Court, Faridabad.